

## RESOLUTION

DT-0054-99

Condemnation Authorization for  
Right of Way Acquisition on County Farm Road (CH 43)  
Section 94-00179-05-GS

WHEREAS, the County of DuPage through the DuPage County Division of Transportation has conducted traffic studies and has analyzed the accident experience, roadway capacity and pavement condition of County Farm Road, which is located in Section 18 in Milton Township and, County of DuPage, State of Illinois; and

WHEREAS, the DuPage County Division of Transportation has determined that in order to provide for the safety of the motoring public and the free and unrestricted flow of public traffic, it is necessary to widen, reconstruct and improve County Farm Road as described above.

NOW, THEREFORE, BE IT RESOLVED, it is hereby determined by the DuPage County Board that the public highway commonly referred to as County Farm Road and more specifically referred to as DuPage County Highway 43, be improved and widened, laid out, established, constructed and maintained on the real property described as follows:

<u>P.I.N. Number</u>	<u>Parcel Number(s)</u>	<u>As Shown on Exhibit</u>
05-18-102-003	7 PE	A
05-18-102-003	7 TE	A

which Exhibit is attached hereto and incorporated herein and that said improved and widened roadway be used, occupied, improved and developed for public highway purposes in a manner necessary and convenient for said use as a public highway.

BE IT FURTHER RESOLVED, that it is hereby determined by the DuPage County Board that it is necessary and desirable that the County of DuPage acquire the necessary legal interests in and possession of the real property described in the preceding paragraph and that said real property is necessary and convenient for said public highway purposes and that the real property described herein is located wholly within the corporate boundaries of the County of DuPage.

BE IT FURTHER RESOLVED, that the DuPage County Engineer, or his designee, be and is hereby authorized, empowered and directed to negotiate for and on behalf of the County of DuPage with the owner, or owners of the real property as described hereinabove for the purpose of acquisition of the necessary legal interests in said real property by the County of DuPage.

BE IT FURTHER RESOLVED, that in the event that the DuPage County Engineer, or his designee, is unable to reach an agreement with the owners of the real property described hereinabove as to the compensation to be paid therefor, then the necessary legal interests in and possession of said real property legally described hereinabove shall be acquired by the County of DuPage through condemnation and the State's Attorney of DuPage County is hereby authorized, empowered and directed to institute condemnation proceedings in a court of competent jurisdiction to acquire the necessary legal interests in and possession of said real property in the name of the County of DuPage in accordance with 605 Illinois Compiled Statutes, 5/5-801 and in accordance with the eminent domain laws of the State of Illinois.

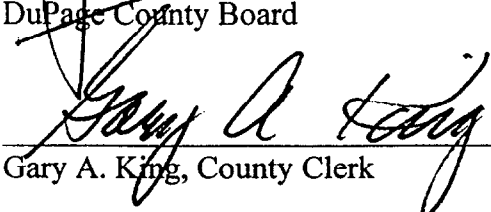
BE IT FURTHER RESOLVED, that a certified copy of the Resolution be sent to the DuPage County Division of Transportation and one copy to the Treasurer, Auditor, Finance Department, and the DuPage County State's Attorney's Office, Attn: Nancy Carol Zimmer.

BE IT FURTHER RESOLVED, that this Resolution shall take effect and be in full force from the date of its passage.

Dated at Wheaton, Illinois, this 24th day of August, 1999.

  
\_\_\_\_\_  
Robert J. Schillerstrom, Chairman  
DuPage County Board

ATTEST:

  
\_\_\_\_\_  
Gary A. King, County Clerk

Ayes: 23  
Absent: 1

## EXHIBIT A

PIN NUMBER: 05-18-102-003

PARCEL NUMBER: 7 PE, 7 TE

OWNER'S NAME: Robert G. Lillie and Lillie M. Lillie, his wife, in Joint Tenancy

### LEGAL DESCRIPTION 0007PE:

LOT 15 IN BLOCK 23 IN THIRD ADDITION TO NORTHWEST ADDITION TO WHEATON, BEING A RESUBDIVISION OF BLOCK 19 OF SECOND ADDITION TO NORTHWEST ADDITION TO WHEATON AND PART OF THE NORTH HALF OF FRACTIONAL SECTION 18, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID THIRD ADDITION TO NORTHWEST ADDITION TO WHEATON, RECORDED JULY 23, 1926 AS DOCUMENT 218111, IN DUPAGE COUNTY, ILLINOIS MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EASTERLY 0.914M (3.00 FT) OF THE WESTERLY 3.048M (10.00 FT) OF THE SOUTHERLY 11.026M (36.18 FT) OF SAID LOT 15 CONTAINING 0.0010 HECTARES (0.0025 AC.).

### LEGAL DESCRIPTION 0007TE:

THAT PART OF LOT 15 IN BLOCK 23 IN THIRD ADDITION TO NORTHWEST ADDITION TO WHEATON, BEING A RESUBDIVISION OF BLOCK 19 OF SECOND ADDITION THE NORTHWEST ADDITION TO WHEATON AND PART OF THE NORTH HALF OF FRACTIONAL SECTION 18, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID THIRD ADDITION TO NORTHWEST ADDITION TO WHEATON, RECORDED JULY 23, 1926 AS DOCUMENT 218111, IN DUPAGE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 15; THENCE N84°03'28"E, 2.168M (7.11 FT) ALONG THE NORTH LINE OF SAID LOT 15 TO THE POINT OF BEGINNING; THENCE CONTINUING N84°03'28"E ALONG SAID NORTH LINE, 12.623M (41.41 FT); THENCE S05°56'32"E, 5.000M (16.40 FT); THENCE S84°03'28"W 11.727M (38.47 FT); THENCE N16°05'55"W, 5.080M (16.67 FT) TO THE POINT OF BEGINNING CONTAINING 0.0061 HECTARES (0.0150 AC.), MORE OR LESS.

STATE OF ILLINOIS)  
COUNTY OF DU PAGE)

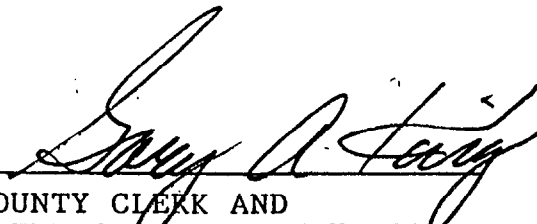
I, GARY A. KING, COUNTY CLERK AND CLERK OF THE  
COUNTY BOARD IN THE COUNTY AND STATE AFORESAID, AND  
KEEPER OF THE RECORDS AND FILES THEREOF, DO HEREBY  
CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT COPY OF

A RESOLUTION

ADOPTED BY THE COUNTY BOARD AT A MEETING HELD AT THE  
DU PAGE CENTER, 421 N. COUNTY FARM ROAD, WHEATON,  
ILLINOIS, ON THE 24TH DAY OF AUGUST  
A.D. 19 99 .

ALL OF WHICH APPEARS FROM THE RECORDS OF THE  
PROCEEDINGS OF SAID COUNTY BOARD NOW IN MY OFFICE  
REMAINING.

GIVEN UNDER MY HAND AND OFFICIAL SEAL AT  
WHEATON, ILLINOIS, THIS 25TH DAY OF AUGUST ,  
A.D. 19 99 .

  
COUNTY CLERK AND  
CLERK OF THE COUNTY BOARD  
OF DU PAGE COUNTY, ILLINOIS

## RESOLUTION

DT-0092-99

REIMBURSEMENT AGREEMENT  
SPRINT COMMUNICATIONS COMPANY L.P.  
COUNTY HIGHWAY 43/ COUNTY FARM ROAD  
SECTION 94-00179-05-GS

WHEREAS, the County of DuPage (hereinafter "COUNTY") desires to build a grade separation at the Union Pacific Railroad (hereinafter "RAILROAD") on County Highway 43, County Farm Road, Section 94-00179-05-GS (hereinafter "PROJECT"); and

WHEREAS, the RAILROAD owns certain property that the PROJECT will cross; and

WHEREAS, Sprint Communications Company L.P. (hereinafter "SPRINT") has facilities within that certain property that the PROJECT will cross; and

WHEREAS, it is necessary for SPRINT to relocate portions of their facilities to provide vertical clearance for said PROJECT; and

WHEREAS, it is the responsibility of the COUNTY to reimburse SPRINT for the costs to relocate SPRINT facilities within the limits of the RAILROAD property; and

WHEREAS, it is necessary and in the best interest of the COUNTY to execute the attached Reimbursement Agreement with SPRINT; and

NOW, THEREFORE, BE IT RESOLVED by the County Board of DuPage that the Clerk and Chairman of said Board be and they are hereby directed and authorized to execute the Reimbursement Agreement with SPRINT; and

BE IT FURTHER RESOLVED that monies be encumbered and set aside for payment of the COUNTY'S obligations under said Agreement as follows:

<u>FISCAL YEAR</u>	<u>FUND</u>	<u>AMOUNT</u>
1999	41-226 LGT	\$176,509.75

; and

## REIMBURSEMENT AGREEMENT

THIS REIMBURSEMENT AGREEMENT ("Agreement") is made and entered into and effective this 9th day of November, 1999, by and between Sprint Communications Company L. P. (hereinafter referred to as "Sprint"), whose mailing address is 6100 Sprint Parkway, Mail Stop 2A718, Overland Park, Kansas 66215-0001, and DuPage County (hereinafter referred to as "County") whose mailing address is 421 N. County Farm Road, Wheaton, IL. 60187.

### WITNESSETH:

WHEREAS, County desires to build grade separation at County Farm Road on the route of the Union Pacific Railroad right of way, ("Project"), and pursuant to its easement, Sprint owns fiber optic cable within the aforementioned right of way.

WHEREAS, as a result of the construction for the Project, it is necessary for Sprint to protect Fiber Optic Cable within the aforementioned right of way, in accordance with, and as more particularly described, in the attached Exhibits A (Engineering Drawing) and B (Scope of Work), and incorporated herein; and,

WHEREAS, Sprint, under the terms hereinafter stated, is willing to protect its fiber optic cable within the Railroad right of way, and to accommodate County's work provided County reimburses Sprint for all of its actual costs in making such modifications.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, Sprint hereby agrees to perform the necessary protection work in accordance with the attached Exhibits A and B subject to the following terms and provisions:

1. County agrees that Exhibits A and B represent the Scope of Work requested of Sprint.
2. County shall, at its own expense, inspect any construction by Sprint hereunder, to assure itself that Sprint work is being performed in compliance with the needs of County.
3. County agrees to bear all actual costs incurred by Sprint and relating to the above referenced protection work, including, but not limited to, labor, materials, construction, administrative overhead, engineering review work, taxes and legal fees.
4. The total cost of the fiber optic cable work is estimated to be One Hundred Seventy Six Thousand Five Hundred and Nine Dollars and Seventy-Five Cents (\$176,509.75) (Exhibit C). Final actual costs may be more or less than such estimate, which shall not be construed as a limitation of costs for such project. Sprint shall provide notice within 60 days to County if it becomes obvious to Sprint that the final actual costs will exceed the foregoing by more than fifteen percent (15%).
5. Within 90 days after Sprint pays all of the invoices associated with the Project and the as-built drawings are complete, Sprint shall furnish an accounting of final actual costs and provide County an invoice of the same. County shall pay the full amount of such invoice within thirty (30) days after receipt.
6. County and Sprint mutually agree that all operations and work performed by County above or adjacent to the fiber optic cable location shall be performed in a workmanlike and safe manner and in conformance with all applicable industry standards and government regulations. No work shall be performed within the existing right of way by County, as it relates to the proposed project, until the fiber optic cable modification has been completed as it.
7. Exclusive of Saturday, Sunday and legal holidays, notice shall be given to Sprint by County, at least 48 hours in advance of commencement of any work on or adjacent to the fiber optic cable. Said notice shall be given to Sprint at telephone number 1-800-521-0579.

[illegible]

**CALL: JULES, INC. (48 MEN)  
1-800-972-0123**

NOTE #1  
TYPE, ANGLE & DEPTH OF  
BORE WAS COORDINATED  
ON SITE WITH MR. DON  
TUDMAS ON 9-9-99.



**CHICAGO - EMANA**

CH43 COUNTY FARM ROAD

**UNDERPASS**

92789521

#### REVISIONS

DATE	DESCRIPTION
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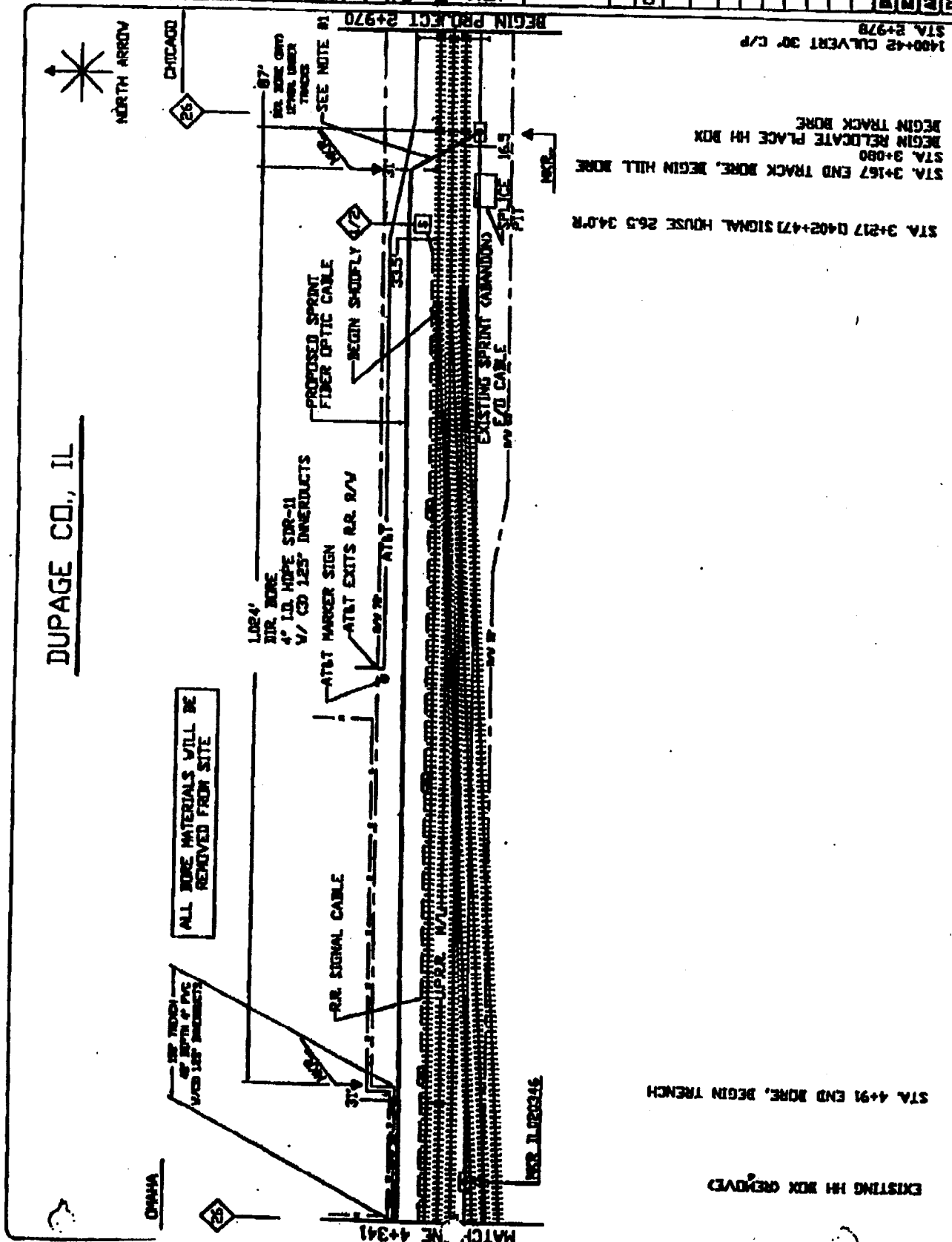
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[illegible][illegible]

**DEATH BY: T.B.P.**

**INTERVIEW: E.M.W.**

<p> <b>PTA. DE</b>  <b>EST. 1900</b> </p>	<p> <b>EST. 1900</b>  <b>PTA. DE</b> </p>
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**September 17, 1999**

**SCOPE OF WORK  
U.S. SPRINT CHICAGO - OMAHA F.O.C.  
CH43 COUNTY FARM ROAD UNDERPASS  
PROJECT NO.: 92789501**

The project is located in Wheaton, Illinois at the intersection of Union Pacific Railroad and County Farm Road. The project will commence approximately 2,065 feet east of County Farm Road in DuPage County, Section Eighteen (18), Township Thirty-Nine (39) North, Range Ten (10) East and will end approximately 350 feet west of County Farm Road.

This project shall consist of the following (minimally):

- 1) Directional boring (dry) under the tracks to place approximately 87 feet of 4 inch GSP with three 1 1/4 inch innerducts.
- 2) Directional boring under a hill/embankment to place approximately 1,024 feet of 4 inch I.D. HDPE SDR-11 with three 1 1/4 inch innerducts.
- 3) Directional boring under CH43 County Farm Road to place approximately 518 feet of 4 inch GSP with three 1 1/4 inch innerducts.
- 4) Trench and place approximately 767 feet of 4 inch schedule 40 PVC pipe with three 1 1/4 inch innerducts.
- 5) Trench and place approximately 20 feet of 4 inch GSP with three 1 1/2 inch innerducts.
- 6) Placing one handhole at both ends of the project.
- 7) Pulling and placing one fiber optic cable into the new conduit system.
- 8) Exposing the existing cable, build a splice shack to allow Sprint Technician to make an open-sheath splice.
- 9) Coiling fiber optic cable into proposed handhole boxes upon completion of splicing and testing.
- 10) After cut-over, remove and dispose of existing handhole box and 3 marker signs.
- 11) Place 6 each marker post and attach signs.
- 12) Final restoration of all disturbed areas to a condition "as good as" or "better than" original.
- 13) Preparation and submittal of as-built bore drawings to Sprint Representative (C & S Contract Services, Inc.) within 30 days of project completion.

**"EXHIBIT C"**

**COST ESTIMATE**

Construction Contract 1 @ 106,996.00	= \$ 106,996.00
Contract Engineer/Inspector 1 @ 20,975.00	= \$ 20,975.00
Railroad Flagman 240 Hrs. @ 110/hr	= \$ 24,000.00
Sr. Cable Project Engineer 80 Hrs. @ 35.13/hr	= \$ 2,810.40
Sprint Technician 60 Hrs. @ 25.33/hr	= \$ 1,519.80
Sprint Drafting 10 Hrs. @ 17.90/hr	= \$ 179.00
Associated Material 1 @ 6,227	= \$ 6,227.00
Sprint labor overhead 150 Hrs. @ 43.72	= \$ 6,558.00
Sub Total	\$169,265.20
G&A overhead @ 4.28% of 169,265.20	<u>\$ 7,244.55</u>
Total Estimate Cost of Work	\$176,509.75

STATE OF ILLINOIS)  
COUNTY OF DU PAGE)

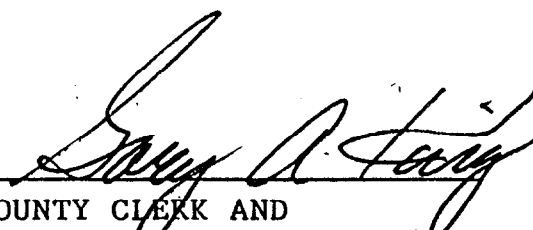
I, GARY A. KING, COUNTY CLERK AND CLERK OF THE  
COUNTY BOARD IN THE COUNTY AND STATE AFORESAID, AND  
KEEPER OF THE RECORDS AND FILES THEREOF, DO HEREBY  
CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT COPY OF

A RESOLUTION

ADOPTED BY THE COUNTY BOARD AT A MEETING HELD AT THE  
DU PAGE CENTER, 421 N. COUNTY FARM ROAD, WHEATON,  
ILLINOIS, ON THE 9TH DAY OF NOVEMBER  
A.D. 19 99.

ALL OF WHICH APPEARS FROM THE RECORDS OF THE  
PROCEEDINGS OF SAID COUNTY BOARD NOW IN MY OFFICE  
REMAINING.

GIVEN UNDER MY HAND AND OFFICIAL SEAL AT  
WHEATON, ILLINOIS, THIS 10TH DAY OF NOVEMBER,  
A.D. 19 99.

  
COUNTY CLERK AND  
CLERK OF THE COUNTY BOARD  
OF DU PAGE COUNTY, ILLINOIS

## ORDINANCE

ODT-0005-00

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN  
INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE COUNTY OF DU PAGE AND THE  
WINFIELD PARK DISTRICT  
COUNTY FARM ROAD  
COUNTY HIGHWAY 43 / SECTION 94-00179-05-GS

WHEREAS, the Winfield Park District (hereinafter the "DISTRICT") holds title to certain property along County Highway 43 (County Farm Road); and

WHEREAS, the County of DuPage (hereinafter the "COUNTY") desires to improve County Highway 43 (County Farm Road) (hereinafter the "IMPROVEMENTS"); and

WHEREAS, the COUNTY has developed plans and specifications for said IMPROVEMENTS, which requires acquisition of fee simple title and temporary easement to a portion of the DISTRICT'S property along said County Highway 43; and

WHEREAS, the COUNTY hereby determines that it is reasonable, necessary and in the public interest and welfare to use, occupy and improve a portion of the DISTRICT'S property in order to facilitate the IMPROVEMENTS; and

WHEREAS, the DISTRICT is empowered to convey their property interest to the COUNTY upon a two-thirds vote of the DISTRICT'S Board pursuant to the authority conferred by the Local Government Property Transfer Act, 50 ILCS 605/0.01 et. seq. (hereinafter "TRANSFER ACT") and

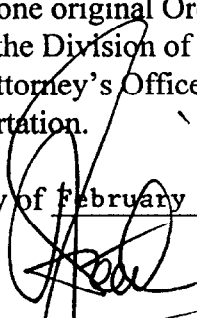
WHEREAS, as a condition precedent to a conveyance under Section 2, the transferee must first declare by ordinance "that it is necessary or convenient for it to use, occupy or improve" the real estate held by the transferor; and

WHEREAS, the parties are authorized to enter into the attached agreement pursuant to the authority granted in Article VII, Section 43 of the Illinois Constitution of 1970 and the Transfer Act.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois:

1. The recitals set forth above are incorporated herein and made a part hereof.
2. The COUNTY hereby declares that it is necessary to use, occupy and improve certain real estate owned by the DISTRICT along County Highway 43.
3. The Chairman is hereby authorized and directed to sign on behalf of the COUNTY, and the Clerk is hereby authorized to attest thereto, the agreement entitled "INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DU PAGE AND THE WINFIELD PARK DISTRICT PROVIDING FOR THE CONVEYANCE OF PROPERTY – COUNTY HIGHWAY 43 (COUNTY FARM ROAD)", which by reference is incorporated herein and made a part of this Ordinance.
4. The Division of Transportation is hereby authorized to take such action as may be necessary to carry out the terms of said Agreement.
5. The Clerk is hereby directed to transmit one original Ordinance and Agreement to the WINFIELD PARK DISTRICT through the Division of Transportation, and certified copies to Finance Department, State's Attorney's Office, Attn: Nancy Zimmer, and the DuPage County Division of Transportation.

Enacted and approved this 22nd day of February, 2000 at Wheaton, Illinois.

  
Robert J. Schillerstrom, Chairman  
DuPage County Board

ATTEST:

  
Gary A. King, County Clerk

Ayes: 21  
Absent: 3